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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 SANNA OLSEN,
14 Plaintiff,
15 v.
16 KILOLO KIJAKAZI,
17 Acting Commissioner of Social Security,
18 Defendant.

19 Case No.: 2:23-cv-00894-EJY

20 **PROPOSED ORDER FOR EAJA FEES**
21 **AND EXPENSES**

22 Pending before the Court is Plaintiff's Unopposed Motion for Attorney's Fees
23 Under the Equal Access to Justice Act (EAJA), filed October 31, 2023. The parties agree
24 that Plaintiff should be awarded attorney fees in the amount of \$1,084.06 under the Equal
25 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d) and costs in the amount of \$402.00
26 under 28 U.S.C. § 1920.

27 The parties further agree that the government will consider whether the fees are
28 subject to any offset allowed under the Department of the Treasury's Offset Program. (*Id*
29 at 2). If Plaintiff does not owe a federal debt, the payment of fees shall be made directly
30 to Plaintiff's counsel.

31 The parties agree that this Order shall bar any future claims by Plaintiff and
32 Plaintiff's counsel to fees under EAJA in connection with this action, but that Plaintiff's
33 counsel may seek attorney fees under the Social Security Act's fee provisions, 42 U.S.C.
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1 § 406(b), subject to the savings clause provisions of EAJA.

2 **IT IS ORDERED:**

3 1. Plaintiff's Motion is **granted**.
4 2. Plaintiff is awarded \$1,084.06 in attorney's fees pursuant to the Equal Access to
5 Justice Act (EAJA), 28 U.S.C. § 2412, and \$402.00 in costs pursuant to 28 U.S.C. § 1920.

6 3. If, after receiving the Court's EAJA fee Order, the Commissioner (1) determines
7 upon effectuation of the Court's EAJA fee Order that Plaintiff does not owe a debt that is
8 subject to offset under the Treasury Offset Program, and (2) agrees to waive the
9 requirements of the Anti-Assignment Act, the EAJA fees will be made payable to
10 Plaintiff's attorney.

11 However, if there is a debt owed under the Treasury Offset Program, the
12 Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and
13 the remaining EAJA fees after offset will be paid by a check made out to Plaintiff but
14 delivered to Plaintiff's attorney. Any payment of costs may be made either by electronic
15 transfer fund (EFT) or by check.

16 This award is without prejudice to the ability of Plaintiff's attorney to seek Social
17 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
18 provisions of the EAJA.

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20 DATED: November 4, 2023


21 HON. Elayna J. Youchah

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23 UNITED STATES MAGISTRATE JUDGE

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